

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

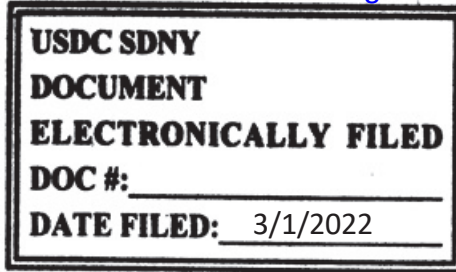
Brendamarie Alexander,

Plaintiff,

-against-

New York City Department of Education et
al.,

Defendants.



1:19-cv-07023 (AJN) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, on October 15, 2021, the parties filed a proposed Case Management Plan (ECF No. 36) as well as a status report, in which they noted that they placed a date for the completion of expert discovery in the proposed scheduling order, but requested “that if a party seeks summary judgment at the end of fact discovery, that they be permitted to request that any expert discovery as it relates to damages be deferred until after the court decides the summary judgment motion” (Status Report, ECF No. 37, at 1-2); and

WHEREAS, on October 18, 2022, District Judge Nathan entered a Case Management Plan and Scheduling Order, which included the parties’ proposed deadline for the completion of expert discovery and did not address the parties’ request regarding possible deferral of such deadline (*see* ECF No. 38); and

WHEREAS, on October 20, 2021, this action was referred to the undersigned for general pretrial management; and

WHEREAS, on February 23, 2022, the Court held a telephone conference during which the parties raised the issue of whether expert discovery would be deferred pending resolution of any party's motion for summary judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT, the parties request "that if a party seeks summary judgment at the end of fact discovery, that they be permitted to request that any expert discovery as it relates to damages be deferred until after the court decides the summary judgment motion" is DENIED WITHOUT PREJUDICE. The Court finds that the parties' request is premature. In accordance with Rule 3(F)(vii) of Judge Nathan's Individual Practices in Civil Cases, any party wishing to make a motion for summary judgment prior to the close of all discovery must first request a pre-motion conference. If such a request is made and Judge Nathan permits a party to file a summary judgment motion prior to the close of all discovery, the Court then will consider, if not already addressed by the District Court, any appropriate request regarding the expert discovery deadline. Accordingly, the expert discovery deadline set forth in the Case Management Plan and Scheduling Order remains in effect.

SO ORDERED.

DATED: New York, New York
March 1, 2022



STEWART D. AARON
United States Magistrate Judge